

## **REMARKS / DISCUSSION OF ISSUES**

The present amendment is submitted in response to the Final Office Action mailed July 17, 2009, Claims 1-8 remain in this application. Claims 1 and 4 have been amended. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

### ***I. Rejections under 35 U.S.C. §102(b)***

In the Office Action, Claims 1 and 4 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,072,759 ("Maeda"). Applicants respectfully traverse the rejections.

#### **A. Claim 1 is allowable**

The cited portions of Maeda do not anticipate claim 1 because the cited portions of Maeda do not teach every element of claim 1. For example, the cited portions of Maeda do not disclose or suggest

"....a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information comprising said wobble modulation representing first control information including recording parameters for the first recording layer, and

the ending part comprising said wobble modulation representing second control information including recording parameters for the second recording layer,

wherein the recording parameters for the first recording layer are different from the recording parameters for the second recording layer", as recited in claim 1.

Maeda does not teach or suggest the use of different control parameters for managing the recording of control information specific to a particular recording layer. Rather, Maeda teaches that data is stored in the recording medium in different formats. Maeda teaches that : identification data signifying the existence of recorded data of a second data format, such as DSD, different from a first data format, such as DVD, included as part of physical format management information recorded in a lead-in area.

Abstract:

A recording medium conforming with a specific physical format of Digital Video Disc/Digital Versatile Disc (DVD) or the like is contrived to achieve superior sound quality in audio data recording and reproduction, common usability of data, and enhanced interchangeability of an apparatus. In this recording medium, **identification data signifying the existence of recorded data of a second data format such as Direct Stream Digital Disc (DSD) different from a first data format such as DVD is included in physical format management information recorded in a lead-in area.** The data of such second data format is recorded in a data area in conformity with the physical format management information. And second data management information of a Table of Contents (TOC) is recorded at a predetermined position to manage an operation of reproducing the data of the second data format. [ **Emphasis Added** ]

The different data formats of Maeda are further described in the Summary:

Summary:

Maeda provides a recording medium where physical format management information including data relative to a physical format is recorded in a lead-in area, and data of a specific first data format and first data management information for managing reproduction of such data can be recorded in a data area in conformity with the physical format management information. In this recording medium, identification data signifying the existence of recorded data of a second data format different from the first data format is included in the physical format management information. And data of the second data format is recorded in the data area in conformity with the physical format management information, and further second data management information is recorded at a predetermined position to manage reproduction of the data of the second data format. [ **Emphasis Added** ]

It is respectfully submitted that the use of different data formats, is different from information (control parameters) that is recorded on physically different layers in the same data format, where the data is recorded on the different layers using different control parameters, specific to the particular layer.

As described Applicants' specification, at page 8, the reason that the recording

parameters for the first layer are different from the recording parameters for the second layer is because the two information storage layers that are present in a dual-layer disc will, in general, have different physical characteristics. An obvious difference between the two layers is the reflection and transmission. In order to be able to access the deeper layer L1, the upper layer L0 should be sufficiently transparent at the laser wavelength. Also, to obtain sufficient read-out signals from the deeper layer L1, this layer should be highly reflecting at the laser wavelength. Other physical differences can be stack structure (inverted or conventional), groove depth, stack design, etc. A consequence of the different physical properties of L0 and L1 is that important parameters that should be known to the drive – e.g. write-strategy (type or parameters), indicative write power, target beta, etc - **will, in general, be different for the two layers**. The parameters need to be known to a drive to ensure proper recording performance, disc handling, etc. Therefore, such 'disc info' is physically stored on the (un-recorded) disc.

As stated above, Maeda does not teach or suggest the use of different recording parameters for the first and second recording layers. Instead, Maeda merely teaches that data is stored on the recording medium in different data formats. Thus, the cited portions of Maeda do not disclose or suggest

"....a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information comprising said wobble modulation representing first control information including recording parameters for the first recording layer, and  
the ending part comprising said wobble modulation representing second control information including recording parameters for the second recording layer,  
wherein the recording parameters for the first recording layer are different from the recording parameters for the second recording layer.... as recited in claim 1.

Hence, claim 1 is allowable.

#### **A. Claim 4 is allowable**

Independent Claim 4, as amended, recites similar subject matter as Independent Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given

for Claims 1, Claim 4 is believed to recite statutory subject matter under 35 USC 102(b).

### ***III. Claim Rejection under 35 USC 103***

The Office has rejected claims 2 and 3 under 35 U.S.C. §103(a), as being unpatentable over Maeda in view of U.S. Patent Publication No. 2003/0081535 ("Ross"). Applicant respectfully traverses the rejection.

#### **Claims 2 and 3 are Allowable**

As explained above, Maeda does not disclose or suggest each and every element of claim 1, from which claims 2 and 3 depend. Specifically, the cited portions of Maeda fail to disclose or suggest

"....a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information comprising said wobble modulation representing first control information including recording parameters for the first recording layer, and

the ending part comprising said wobble modulation representing second control information including recording parameters for the second recording layer,

wherein the recording parameters for the first recording layer are different from the recording parameters for the second recording layer.... as recited in claim 1.

Ross does not disclose the elements of claim 1 that are not disclosed by Maeda. Ross is cited by the Office for teaching

*"wherein the lead-in part (68) of the pregroove is extending on the first recording layer from a starting radial position (66) to an ending radial position (67), and the ending part (69) of the pregroove that comprises the second control information is substantially located between a radial position corresponding to said ending radial position (67) and a radial position corresponding to said starting radial position (66)",* as recited in claim 2

and

*"wherein said ending radial position (67) on the first recording layer substantially*

*corresponds to a radial position on the second recording layer where the wobble modulation representing the second control information starts”, as recited in claim 3.*

There is no teaching or suggestion in Ross of

“....a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information comprising said wobble modulation representing first control information including recording parameters for the first recording layer, and

the ending part comprising said wobble modulation representing second control information including recording parameters for the second recording layer,

wherein the recording parameters for the first recording layer are different from the recording parameters for the second recording layer.... as recited in claim 1.

Therefore, the combination of Maeda and Ross do not disclose each and every element of claim 1, from which claims 2 and 3 depend. Hence, claims 2 and 3 are allowable.

#### ***IV. Claim Rejection under 35 USC 103***

The Office has rejected claims 5-8 under 35 U.S.C. §103(a), as being unpatentable over Maeda. Applicant respectfully traverses the rejection.

##### **Claims 5-8 are Allowable**

As explained above, Maeda does not disclose or suggest each and every element of claim 1, from which claims 5-8 depend. Specifically, the cited portions of Maeda fail to disclose or suggest

“....a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information comprising said wobble modulation representing first control information including recording parameters for the first recording layer, and

the ending part comprising said wobble modulation representing second control information including recording parameters for the second recording layer,

wherein the recording parameters for the first recording layer are different from the recording parameters for the second recording layer.... as recited in claim 1.

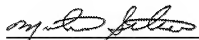
Claims 5-8 depend from claim 1, which Applicants have shown to be allowable. Thus, claims 5-8 are allowable, at least by virtue of their dependency from claim 1.

### **Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-8 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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